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<b>Effective on 12/08/2004.</b> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i>		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b>		Application Number	10/692,002
<b>For FY 2005</b>		Filing Date	October 24, 2003
		First Named Inventor	Mike West
		Examiner Name	J. Lin
		Art Unit	1631
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	
<b>TOTAL AMOUNT OF PAYMENT</b>		(\$)	180.00

**METHOD OF PAYMENT** (check all that apply)

Check     Credit Card     Money Order     None     Other (please identify): \_\_\_\_\_

Deposit Account    Deposit Account Number: 18-1945    Deposit Account Name: Fish & Neave IP Group, Ropes & Gray LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s), under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

## **FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## **2. EXCESS CLAIM FEES**

**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

#### Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
$\underline{\hspace{2cm}}$	$\underline{\hspace{2cm}}$	$\underline{\hspace{2cm}}$	$\underline{\hspace{2cm}}$	$\underline{\hspace{2cm}}$
HP = highest number of total claims paid for, if greater than 20.				
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	
$\underline{\hspace{2cm}}$	$\underline{\hspace{2cm}}$	$\underline{\hspace{2cm}}$	$\underline{\hspace{2cm}}$	$\underline{\hspace{2cm}}$
HP = highest number of independent claims paid for, if greater than 3.				

### **3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**      **Extra Sheets**      **Number of each additional 50 or fraction thereof**      **Fee (\$)**      **Fee Paid (\$)**  
- 100 = \_\_\_\_\_ /50 \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

**Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement** **180.00**

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	55,535	Telephone	(617) 951-7289
Name (Print/Type)	Ignacio Perez de la Cruz		Date	November 27, 2006	

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 27, 2008

**Signature**

(Dawn Class)

O I P E  
NOV 30 2006  
U.S. PATENT & TRADEMARK OFFICE  
I AMED  
I hereby certify that this correspondence is being deposited with the U.S. Postal Service, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.  
Dated: November 27, 2006 Signature: *Dawn Class*  
(Dawn Class)

Docket No.: DU-P02-002  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Mike West, et al.

Confirmation No.: 2470

Application No.: 10/692002

Art Unit: 1631

Filed: October 24, 2003

Examiner: Jerry Lin

For: BINARY PREDICTION TREE MODELING  
WITH MANY PREDICTORS AND ITS USES  
IN CLINICAL AND GENOMIC  
APPLICATIONS

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant submits herewith copies of references CA-C11 in accordance with 37 CFR 1.98(a)(2).

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10692002  
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We bring to the Examiner's attention the following two co-owned, co-pending applications in which an Office Action were mailed recently: (1) U.S. Application No. 10/291878 (Docket No. DU-P01-002) with an Office Action mailed on September 7, 2006; and (2) U.S. Application No. 10/291886 (Docket DU-P01-003) with an Office Action mailed on October 24, 2006. Applicants are providing a copy of the two Office Actions.

It is respectfully requested that the co-pending applications and the attached Office Actions be expressly considered during the prosecution of this application, and be made of record therein. Applicants respectfully request that the Examiner check and initial the following box as confirmation of having considered the co-pending applications and the attached Office Actions:

In accordance with 37 CFR 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

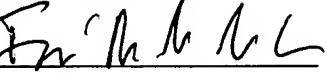
It is submitted that the Supplemental Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Deposit Account No. 18-1945 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. DU-P02-002. A duplicate copy of this paper is enclosed.

Dated: November 27, 2006

Respectfully submitted,

By 

Ignacio Perez de la Cruz

Registration No.: 55,535

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant



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Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/692002
				Filing Date	October 24, 2003
				First Named Inventor	Mike West
				Art Unit	1631
				Examiner Name	Jerry Lin
Sheet	1	of	2	Attorney Docket Number	DU-P02-002

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY		
AA	US-6,532,305	03-11-03	LINCOM CORPORATION		
AB	US-2004-0083084	04-29-04	WEST		
AC	US-2004-0106113	06-03-04	WEST et al.		

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		
					T <sup>6</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
CA	SELLKE, T. et al., Calibration of pvalues for testing precise null hypotheses, <i>The American Statistician</i> , 55, 62-71, (2001)				T <sup>2</sup>
CB	BREIMAN, L., Statistical Modeling: The two cultures (with discussion), <i>Statistical Science</i> , 16, 199-225 (2001)				
CC	OSBORNE, B.G., Applications of near infrared reflectance spectroscopy to compositional analysis of biscuits and biscuit doughs, <i>J. Sci. Food Agric.</i> , 35, 99-105 (1984)				
CD	BROWN, P.J., et al., The choice of variables in multivariate regression: A non-conjugate Bayesian decision theory approach, <i>Biometrika</i> , 86, 635-648 (1999).				
CE	LI, C. et al., Model-based analysis of oligonucleotide arrays: Expression index computation and outlier detection, <i>Proc. Natl. Acad. Sci.</i> , 98, 31-36 (2001)				
CF	EARLY BREAST CANCER TRIALISTS' COLLABORATIVE GROUP, Polychemotherapy for early breast cancer: an overview of the randomized trials, , <i>Lancet</i> ; 352:930-942 (2001)				
CG	WEST, M., et al., Predicting the clinical status of human breast cancer by using gene expression profiles, <i>Proc. Natl. Acad. Sci. USA</i> 98, 11462-11467 (2001)				
CH	SPANG, R., et al., Prediction and uncertainty in the analysis of gene expression profiles, <i>In Silico Biol.</i> 2, 0033 (2002)				
CI	VAN T VEER, L.J., et al., Gene expression profiling predicts clinical outcome of breast cancer, <i>Nature</i> 415, 530-536 (2002)				
CJ	VAN DE VIJVER, M.J., et al., A gene-expression signature as a predictor of survival in breast cancer, <i>N. Engl. J. Med.</i> 347, 1999-2009 (2002)				
CK	HUANG, E., et al., Gene expression predictors of breast cancer outcomes., <i>Lancet</i> in press (2003)				
CL	POMEROY, S.L., et al., Prediction of central nervous system embryonal tumour outcome based on gene expression, <i>Nature</i> 415, 436-442 (2002)				
CM	ALIZADEH, A.A., et al., Distinct types of diffuse large B-cell lymphoma identified by gene expression profiling, <i>Nature</i> 403, 503-511 (2000)				

Examiner Signature		Date Considered
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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
				Application Number	10/692002
				Filing Date	October 24, 2003
				First Named Inventor	Mike West
				Art Unit	1631
				Examiner Name	Jerry Lin
Sheet	2	of	2	Attorney Docket Number	DU-P02-002

	CN	ROSENWALD, A., et al., The use of molecular profiling to predict survival after chemotherapy for diffuse large-B-cell lymphoma.	
	CO	BHATTACHARJEE, A., et al., Classification of human lung carcinomas by mRNA expression profiling reveals distinct adenocarcinoma subclasses, Proc. Natl. Acad. Sci. USA 98, 13790-13795 (2001)	
	CP	RAMASWARMY, S., et al., Multiclass cancer diagnosis using tumor gene expression signatures, Proc. Nat'l. Acad. Sci. 98, 15149-15154 (2001)	
	CQ	GOLUB, T.R., et al., Molecular classification of cancer: class discovery and class prediction by gene expression monitoring, Science 286, 531-537 (1999)	
	CR	SHIPP, M.A., et al., Diffuse large B-cell lymphoma outcome prediction by gene expression profiling and supervised machine learning, Nat. Med. 8, 68-74 (2002)	
	CS	YEOH, E.-J., et al., Classification, subtype discovery, and prediction of outcome in pediatric acute lymphoblastic leukemia by gene expression profiling, Cancer Cell 1,133-143 (2002)	
	CT	CHENG, et al., Unique Features of Breast Cancer Res. Treat. 2000;63:213-23)	
	CU	MITTRA, I., et al., A Meta-analysis of reported correlations between prognostic factors in breast cancer: does axillary lymph node metastasis represent biology or chronology, Eur.J.Cancer 1991;27:1574-83	
	CV	McGUIRE, W.L., Prognostic factors for recurrence and survival in human breast cancer, Breast Cancer Res Treat. 1987;10:5-9	
	CW	TANDON, A.K., et al., HER-2/neu oncogene protein and prognosis in breast cancer, J Clin. Oncol. 1989;7:1120-8	
	CX	KASS, R.E., et al., Bayes' factors, J. Am. Stat. Assoc. 90, 773-795 (1998)	
	CY	HOETING, J., et al., Bayesian model averaging, A tutorial; Statistical Science, 14(4), 382-417 (1999)	
	CZ	CLYDE, M., Bayesian Statistics 6, Bernardo J.M. (ed.), pp. 157-185 (Oxford University Press, 1999)	
	CA1	JATOI, I., Significance of axillary lymph node metastasis in primary breast cancer, J. Clin. Oncol. 17, 2334-2340 (1999)	
	CB1	PHILOSOPHOV, L. et al., Medical Diagnostic Decision Rules Based on Mutually Dependent Diagnostic Factors, Comput. Biol. Med., Vol. 27, No. 4, 329-347, 1997.	
	CC1	LIAO, S. et al., Appropriate medical data categorization for data mining classification techniques, Med. Inform. Vol. 27, No. 1, 59-67 (2002).	
	CD1	CHAPMAN, W. et al., A Comparison of Classification Algorithms to Automatically Identify Chest X-Ray Reports That Support Pneumonia, Journal of Biomedical Informatics, 34, 4-14 (2001).	
	CE1	DAWSON, K., et al., A Bayesian approach to the identification of panmictic populations and the assignment of individuals", Genet. Res. Camb., 78, 59-77 (2001).	
	CF1	Copy of International Search Report dated July 1, 2004 from corresponding application no. PCT/US03/33946; citing references PHILOSOPHOV, LIAO, CHAPMAN and DAWSON.	
	CG1	SORLIE, T., et al., Gene expression patterns of breast carcinomas distinguish tumor subclasses with clinical implications, PNAS, Vol. 98, No. 19, 10869-10874 (2001)	
	CH1	D'HAESELEER et al. Bioinformatics, Volume 16, pages 707-726 (2000)	
	CI1	FRIEDMAN et al., Using Bayesian Networks to Analyze Expression Data, Journal of Computational Biology, Vol. 7, Nos. 3/4, pp. 601-620 (2000).	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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